

Attorney's Docket No.: 42390.P9765x2

**PATENT** 

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (FOR INTEL CORPORATION PATENT APPLICATIONS)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.			
I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS FOR MESSAGE ESCALATION BY DIGITAL ASSISTANTS			
the specification of whi	ch		
	ched hereto. ed on (MM/DD/YYYY)  United States Application or PCT International App and was amended on (M	n Number <u>10/039,960</u> Dication Number	
know and do not believe America before my investigation and do not believe that and do not believe that America more than one been patented or made application in any country legal representative	the claim(s), as amended e that the claimed invention thereof, or patented ntion thereof or more than the claimed invention was year prior to this application the subject of an inventor try foreign to the United St	nd the contents of the above-ider by any amendment referred to a on was ever known or used in the or described in any printed public one year prior to this application in public use or on sale in the Uon, nor do I know or believe that is certificate issued before the dates of America on an application elve months (for a utility patent and application.	bove. I do not e United States of ication in any i. I do not know inited States of the invention has ate of this
I acknowledge the duty defined in Title 37, Cod	to disclose all information e of Federal Regulations, S	known to me to be material to page	atentability as
I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:			
Prior Foreign Applicatio	<u>n(s)</u>		Priority <u>Claimed</u>
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes No
I hereby claim the bene	fit under Title 35, United Si	tates Code, Section 119(e) of an	y United States

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provisional application(s) listed belo	ow:	
Application Number	(Filing Date – MM/DD/YYY	<u>Y)</u>
of Title 35, United States Code, Seknown to me to be material to pater	ofar as the subject matter of e States application in the mann ction 112, I acknowledge the on Intability as defined in Title 37, In le between the filing date of the	ach of the claims of this application her provided by the first paragraph duty to disclose all information
	4/2001 ng Date – MM/DD/YYYY) S	pending Status patented,
I hereby appoint the persons listed part of this document) as my respec substitution and revocation, to proso and Trademark Office connected he	ctive patent attorneys and pate	ent agents, with full nower of
Send correspondence to <u>John P.</u> LLP, 12400 Wilshire Boulevard 7t calls to <u>John P. Ward, Esq.</u> , (408)	th Floor, Los Angeles, Califo	KOLOFF, TAYLOR & ZAFMAN prnia 90025 and direct telephone
I hereby declare that all statements statements made on information statements were made with the kare punishable by fine or impriso States Code and that such willful application or any patent issued to	and belief are believed to b nowledge that willful false s nment, or both, under Secti false statements may jeopa	e true; and further that these statements and the like so made ion 1001 of Title 18 of the United
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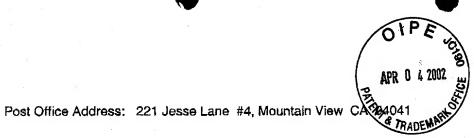
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INTEL CORPORATION

Rev. 11/28/01 (D3 INTEL)

#### APPENDIX A

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### **APPENDIX B**

## Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
    - (2) It refutes, or is inconsistent with, a position the applicant takes in:
      - (i) Opposing an argument of unpatentability relied on by the Office, or
      - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

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